

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application and for indicating that the application includes allowable claims. The application has been carefully reviewed in light of the Office Action and amended as necessary to more clearly and particularly describe the claimed subject matter.

Claims 1, 8, and 21–33 have been amended.

Claims 21–33 were rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Independent claims 21 and 33 have been amended and now recite, “an apparatus, comprising: a general-purpose computer having a receiving/storage program installed thereon...” Applicant submits that the claims 21–33 are directed to a machine and, therefore, comply with the USPTO’s “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” in the Official Gazette notice of November 22, 2005. When a computer program is recited in conjunction with a physical structure, the claim should be treated as a product claim. See MPEP § 2106.IV.B.1.(a). Applicant submits that claims 21–33 are directed to statutory subject matter and, therefore, the rejections under 35 U.S.C. 101 should be withdrawn.

Claims 1–4, 8–10 were rejected under 35 U.S.C. 102(e) as being anticipated by Nishi et al. (U.S. patent application publication number 2003/0031459). Claim 1 recites in part, “wherein said specific storage channel is a virtual channel within the receiving/storage apparatus.” Nishi does not teach or suggest a virtual channel. The Examiner asserts that Nishi teaches “*channels/paths that information passes along* in order to store broadcast programs in regions exclusively available to specific program attributes.” See the outstanding Office Action at page 2, section 1. Applicant submits that no information path or program attribute taught by Nishi teaches or suggests a virtual channel as required by claim 1. Therefore, Nishi fails to teach or suggest all of the limitations of

claim 1. For at least this reason, claim 1 is allowable over Nishi. Claims 2–4 depend from claim 1 and, therefore, are also allowable over Nishi. The arguments provided above also apply to claims 8-10 and 14.

Claims 21–23 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi in view of Grimsrud et al. (U.S. patent number 6,862,657). Claim 21 recites in part, “wherein the storage channels are virtual channels within the general-purpose computer.” For the reasons discussed above with respect to claim 1, Nishi fails to teach or suggest virtual channels as recited in claim 21. Applicant submits that Grimsrud also fails to teach or suggest virtual channels. Therefore, Nishi in view of Grimsrud fails to teach or suggest all of the limitations of claim 21. For at least this reason, claim 21 is allowable over the cited combination of references. Claims 22 and 23 depend from claim 21 and, therefore, are also allowable over Nishi in view of Grimsrud. The arguments provided above with respect to claim 21 also apply to claim 33 and 27.

Claim 20 was allowed. Claims 5–7, 11–13 and 15–19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 5–7 depend from claim 1, which, as discussed above, is allowable over Nishi. Claims 11–13 and 15–19 depend from claim 8, which, as discussed above, is also allowable over Nishi. Therefore, the objections to claims 5–7, 11–13 and 15–19 should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34392.

Appln No. 10/049,479
Amendment dated May 2, 2007
Reply to Office Action dated February 12, 2007

Respectfully submitted,
PEARNE & GORDON LLP

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By: /Brad C. Spencer/
Brad C. Spencer – Reg. No. 57,076

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700